

# **EXHIBIT 7A**

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

CHARLES SEWARD, )  
Individually and on Behalf )  
of All Others Similarly ) 08 CIV 3976 (KMK)  
Situating, )  
Plaintiff, ) ECF CASE  
vs. )  
INTERNATIONAL BUSINESS )  
MACHINES CORPORATION, )  
D/B/A IBM CORP., )  
Defendant. )

Videotaped deposition of EUGENE SCOTT, taken  
on behalf of the Defendant, pursuant to the  
stipulations contained herein, in accordance with the  
Federal Rules of Civil Procedure, before Thomas R.  
Brezina, Certified Court Reporter, at 1420 Peachtree  
Street, NE, Atlanta, Georgia, on the 11th day of  
November, 2008, commencing at the hour of 8:14 a.m.

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## THE VIDEOGRAPHER: On video.

## EUGENE SCOTT

having been first duly sworn, was examined and testified as follows:

## EXAMINATION

BY MR. ROSSMAN:

Q Sir, would you please state your name for the record?  
 A Eugene Scott.  
 Q That's S-C-O-T-T?  
 A That's correct.  
 Q Have you ever been deposed before, sir?  
 A One time between my mom and dad, divorce.  
 Q Okay. Is that -- how long ago was that?  
 A Many, many years ago.  
 Q Okay.  
 A Too far to remember.  
 Q Yes. Well, let me just go over a couple of kind of ground rules, if you will. We're here. I'm going to be asking you questions about the Seward versus IBM lawsuit, and we've got a court reporter here, who's going to take down your answers and a videographer over here that's going to videotape the whole thing. Do you understand that you have taken an oath and that oath will have the same effect as if you

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1 were in a court of law?  
 2 A Uh-huh.  
 3 Q The second rule is that because this is  
 4 being transcribed, we'd ask that you give verbal  
 5 answers, so --  
 6 A Okay.  
 7 Q -- instead of nodding your head, you know,  
 8 if you could say yes or no.  
 9 A Absolutely.  
 10 Q Yes. And the same thing with, you know,  
 11 the uh-uhs and the uh-huhs. They become kind of hard  
 12 to --  
 13 A I know. Yes and no.  
 14 Q -- put down. If you don't understand a  
 15 question, let me know, and I'll try to rephrase it.  
 16 If you don't ask -- if you don't ask me, I'm just  
 17 going to assume you understand it.  
 18 A All right.  
 19 Q And we'd ask that we try not to speak over  
 20 each other because it's difficult to take down what  
 21 two people are saying at the --  
 22 A Oh, I know.  
 23 Q -- same time, and if you need a break at  
 24 any time, just let me know.  
 25 A Okay.

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1 Q Is there any reason why you can't go  
 2 forward with your deposition today?  
 3 A No reason.  
 4 Q No medication you're taking, for example,  
 5 that would --  
 6 A Hinder? No.  
 7 Q What's your date of birth, please?  
 8 A 8/5/67.  
 9 Q And what's your current address?  
 10 A 358 Copeland Lane, Marietta, Georgia,  
 11 30060.  
 12 Q How long have you been at that address?  
 13 A Thirty-five-plus years.  
 14 Q Can you describe your education for me?  
 15 A High school diploma. Incomplete voc-tech  
 16 training, only nine months. Self-taught computer  
 17 technician.  
 18 Q What did you do to prepare for your  
 19 deposition today?  
 20 A Nothing.  
 21 Q Did you look at any documents?  
 22 A No.  
 23 Q Did you speak with anyone?  
 24 A I spoke with one of the attorneys last  
 25 night. Pretty much told me about the ground rules.

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1 Q Have you ever been involved in a lawsuit  
 2 before?  
 3 A No.  
 4 Q Have you ever filed any administrative  
 5 charge against an employer?  
 6 A Such as like sexual harassment?  
 7 Q Well, either sexual harassment -- anything  
 8 with like the EEOC, for example, or the National Labor  
 9 Relations Board? Anything --  
 10 A I had filed a -- a grievance against an  
 11 employer within IBM for sexual harassment, but the  
 12 charges never went to lawsuit. I was moved to another  
 13 manager, and the manager was -- resigned.  
 14 Q When did you file that?  
 15 A This was eight years ago.  
 16 Q And was it -- it was an internal IBM  
 17 grievance?  
 18 A Internal issue.  
 19 Q Who was the manager that was involved?  
 20 A I can't remember his last name. His first  
 21 name was Dana.  
 22 Q And what were -- what were your allegations  
 23 against Dana?  
 24 A He did something inappropriate. What had  
 25 happened is he stuck his finger down the back of my

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1 pants and tugged up on my pants, which -- it went  
 2 literally down the -- the part of my -- the crack, and  
 3 I felt that was very inappropriate for a manager and  
 4 filed grievances within IBM.  
 5 Q What happened with the grievance?  
 6 A They just tran -- like I stated before,  
 7 they moved me to another manager, and then he was  
 8 allowed to resign.  
 9 Q Was there an investigation as far as you  
 10 know?  
 11 A Internally, I don't know the output. They  
 12 would not talk about it.  
 13 Q But the bottom line is, you moved to a  
 14 different manager?  
 15 A Different manager, same department.  
 16 Q And this Dana --  
 17 A Dana, yeah.  
 18 Q -- left the company?  
 19 A Yes. He's gone.  
 20 Q Would Dana's last name, if you recall, have  
 21 been Trahan?  
 22 A Trahan. Yes. You hit it right on the  
 23 nail. Dana Trahan.  
 24 Q And was he a manager just for a short time,  
 25 or was it a --

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1 A I'm not exactly sure how long he was  
 2 manager within IBM or the -- the extent of his  
 3 managerial position.  
 4 Q Yes. I'm sorry. I should have been more  
 5 clear. How long was he your manager?  
 6 A He was not my manager for very long because  
 7 I got promoted pretty rapidly within that particular  
 8 call center to another division within the same call  
 9 center.  
 10 Q Okay. And what was the -- what was the  
 11 call center you were working on -- at the time?  
 12 A Back then?  
 13 Q Yeah.  
 14 A With Dana? It was called IBM For You.  
 15 Q And what did you do there?  
 16 A In -- basically, I was the company  
 17 operator. Anybody that dialed the IBM For You number  
 18 and said, hey, I want to talk to Mr. Smith in  
 19 Arkansas, we looked him up and did the connection.  
 20 Q Oh, okay. Now, you -- you left IBM in July  
 21 of 2007; is that correct?  
 22 A It was actually August the 1st.  
 23 Q And what -- you started in 1998; is that  
 24 correct?  
 25 A That sounds about right.

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1 Q What -- why don't we start with your  
 2 positions and work backwards? At the time you left  
 3 the company, what -- what were you doing?  
 4 A It was called software entitlement.  
 5 Q You were on the software entitlement team?  
 6 A Uh-huh.  
 7 Q What did entitlement do?  
 8 A Entitlement looked up support contracts for  
 9 customers that were calling in for support but was not  
 10 able to be found when they initially called the -- the  
 11 support group, and if they didn't find one, they  
 12 transferred them to us. Instead of staying on the  
 13 phone with the customer trying to find their stuff, we  
 14 did the research. If no contract was found, we  
 15 transferred them over to sales. If a contract was  
 16 found, we re-entitled the -- what we call a PMR ticket  
 17 with the correct customer number and support and then  
 18 transferred them to support, letting the technician  
 19 know they do have it.  
 20 Q So a PMR ticket? Is that what you said?  
 21 A A problem management record.  
 22 Q And if they didn't have a contract, you  
 23 would transfer them over to the sales. What was the  
 24 purpose of that?  
 25 A Well, if they were calling in for support

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1 and they needed support on -- for a down situation,  
 2 they had to have a support contract before they could  
 3 get any support. If -- they had to go to sales to get  
 4 a support contract, or they had to show proof that  
 5 they did purchase it, which may not have went through  
 6 our system at the time.  
 7 Q So you-all in entitlement wouldn't do any  
 8 selling yourself? You'd transfer them over to another  
 9 group?  
 10 A No. No. We basically would prep the sales  
 11 for the sales rep to take, and then we provide them  
 12 information that they needed to proceed with getting  
 13 the customer a support contract.  
 14 Q Was the information that you were gathering  
 15 as part of entitlement, was it just related to the  
 16 contract, or was there other information you were  
 17 gathering too?  
 18 A You mean for the -- for the specific  
 19 machine -- I'm sorry. Rephrase that again.  
 20 Q I guess what I'm saying is, you were --  
 21 your role was -- was it --  
 22 A Research only.  
 23 Q It was research only? And it was research  
 24 only about the contract situation --  
 25 A Right.

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1 Q -- with the customer?  
 2 A We were I guess called like the second-line  
 3 support for the front -- front end, as they called it,  
 4 so if the front end was stumped, they brought them to  
 5 us to find the contracts.  
 6 Q Okay.  
 7 A And then we were allowed to spend more time  
 8 with customers on the phone, where they could get back  
 9 to taking their inbound calls.  
 10 Q And you may have said this already, but who  
 11 was the -- what group was the front-end group that  
 12 would field the calls initially?  
 13 A They actually -- they called that receive  
 14 call.  
 15 Q Okay.  
 16 A Or they just called it the front end in  
 17 most cases for slang. The front end.  
 18 Q Okay. So just -- just so I'm clear, the  
 19 calls would go to the front end? If necessary, they  
 20 would come to entitlement to make --  
 21 A Right.  
 22 Q -- sure that there was in fact entitlement?  
 23 A That is correct.  
 24 Q And then from you-all it would either go to  
 25 sales if there wasn't entitlement, or it would go back

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1 to the front end?

2 A Not to the -- back to the front end. If we

3 found support for the customer, the call was then

4 transferred to the technical support team.

5 Q Okay. Were there multiple tech support

6 teams that you would transfer them to, or was it just

7 one?

8 A Different machines had different tech

9 support connections. IBM's had a good five or six

10 lines. We never handled the PC side of it. We only

11 handled the mid-range to high-end machines.

12 Q And the calls that you were receiving, I

13 guess -- well, maybe not. Were these all from

14 external IBM customers?

15 A No. These were actually transferred

16 internally from the front end, but we were on the

17 phone themselves taking their inbound calls, so

18 basically we were like tech support to the tech

19 support people.

20 Q Okay. I guess I wasn't clear with that,

21 though. The customers, though, that were calling in,

22 they were all external to IBM?

23 A Right.

24 Q Okay. How long were you with entitlement?

25 A About three, four years.

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1 Q So back 2004, say?

2 A Maybe 2003, about halfway in between that.

3 I was there -- I was there a good while with

4 entitlement, coming from actually the front end.

5 Q You started with the front -- well, you

6 were at the front end before entitlement?

7 A Right.

8 Q How long were you with the front end?

9 A About two years.

10 Q So 2001, 2000?

11 A Yes. Before Y2K.

12 Q Oh.

13 A I meant right after Y2K.

14 Q Okay. Who -- when you were -- well, at the

15 end of your employment with IBM, who was your

16 first-line manager?

17 A Juanlyn Williams.

18 Q Now, how long had Juanlyn Williams been

19 your manager?

20 A She was my manager for software entitlement

21 probably short or minus a year before she was my

22 front-end manager as well. She actually moved from

23 front end to software entitlement and then started

24 controlling both divisions.

25 Q Oh, okay. So was there ever a time -- so

Page 16

1 the -- but the bottom line is, the whole time you were

2 in entitlement, she was your first-line manager?

3 A Yes. Except for one other manager, but she

4 took a -- a temporary assignment for one year. She

5 was technically our manager, but she was never there.

6 Q Oh.

7 A The department pretty much ran itself.

8 Q Do you remember when -- so Juanlyn took

9 this temporary assignment?

10 A No. I can't remember her name.

11 Q Was it Stewart?

12 A Yes. It was a -- it was a black manager.

13 I can't remember her -- I want to say that's her last

14 name.

15 Q Yeah. I don't --

16 A You don't have her listed?

17 Q Well, I've got a -- I'm looking at a -- a

18 printout of a work history for you.

19 A Uh-huh.

20 Q And it's only got the last names of the

21 managers, so it says C --

22 A Yes. Stewart -- Stewart something.

23 Cynthia Stewart.

24 Q Cynthia Stewart?

25 A There we go. Threw the C in there.

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1 Q So Juanlyn -- this has Juanlyn Williams

2 becoming your manager -- well, this says around 2003.

3 Does that make any sense?

4 A Yes. That's when they dissolved the other

5 department that we were in, which was sales order

6 support, and moved it to Canada.

7 Q Okay.

8 A And then positions opened up within the

9 call center, and me and one other was laterally moved

10 to that division.

11 Q And then this has Stewart starting at about

12 April 2004?

13 A That's when I -- that's when I was assigned

14 to her, and then she took a temporary assignment and

15 then decided to stay on that permanently, and then

16 Juanlyn took the position over as manager after that.

17 Q Okay. Who was your -- at the time you left

18 IBM, who was your second-line manager?

19 A There were two. When I first got into the

20 call center, it was -- I think he's on your list.

21 Q Actually, I have only the first lines on

22 here.

23 A Okay. Second line? Who was the guy that

24 we talked about?

25 Q Kamprath?

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Page 20

1 A No. A gentleman. There's another -- you'd  
 2 mentioned it before on the phone with me. I just  
 3 can't remember him right now, but he was -- he was the  
 4 second-line manager for about a year or so, and then  
 5 the other second line came into play. I apologize. I  
 6 can see their faces, but I can't see their names.  
 7 Q Well, if it comes to you, you let me know.  
 8 Did you have a -- a team lead at the time you left  
 9 IBM?  
 10 A A team lead? We had what we called a  
 11 senior.  
 12 Q A senior?  
 13 A Yes, a senior. And then they had some  
 14 other ones below her that helped with administrative  
 15 work. The main one was Dwayne Montgomery.  
 16 Q Dwayne Montgomery was the main one below  
 17 the senior?  
 18 A Yes. He -- he didn't really, say, have the  
 19 power, but he assisted the -- the reps on the floor  
 20 and did some reports for the manager that couldn't --  
 21 that couldn't quite get those -- those works done, so  
 22 she had them do those particular tasks.  
 23 Q Who was the senior? Do you recall?  
 24 A I apologize. Like I said, I can see her --  
 25 see her face, but I can't put the name to her.

Page 19

1 Q What was the difference between a senior  
 2 and a first-line manager?  
 3 A Senior -- senior pretty much did what I  
 4 called grunt work for the manager. Basically, she  
 5 really didn't have any control over anybody. She just  
 6 acted like a glorified secretary to the manager.  
 7 Q So the manager was the person with HR  
 8 responsibility over you?  
 9 A Right. You know, other tasks could be  
 10 dished out to the senior or some of the -- the admin  
 11 team that she needed to have done and then -- you  
 12 know, took those reports and then turned those in to  
 13 the second line or whatever person she needed to  
 14 report those to.  
 15 Q Were you on the entitlement team at the  
 16 time that Cynthia Stewart was your first line?  
 17 A Yeah. As a matter of fact, she was the one  
 18 that hired me in to the entitlement group.  
 19 Q Okay. And then does November of 2004 sound  
 20 about right for the time that Juanlyn --  
 21 A Took over.  
 22 Q -- took over?  
 23 A Yeah. Because there was a little bit of  
 24 slack time between -- between that temporary  
 25 assignment and her taking over, where it was just us

1 doing our job, which really didn't need to be managed.  
 2 We just kind of did ourselves, self-sufficient.  
 3 Q So you -- during that time when there was  
 4 no manager, you had the seniors around, I guess?  
 5 A Yeah. There were seniors, and there were  
 6 -- the second-line manager would float in from time to  
 7 time to see if anything administrative needed to be  
 8 done, but other than that, it was just business as  
 9 usual. We took inbound calls, handled complaints,  
 10 sent sales. That's it.  
 11 Q What building were you at, at the time you  
 12 left IBM?  
 13 A 1600 Riveredge.  
 14 Q How long had you been at Riveredge?  
 15 A Off and on, seven years. Two years in the  
 16 sales team in a different building.  
 17 Q Well, let's say at the beginning of 2005  
 18 where were you at? Do you remember?  
 19 A Riveredge.  
 20 Q And were you at Riveredge from 2005 until  
 21 the time you left IBM?  
 22 A Yeah.  
 23 Q What -- what floor were you at?  
 24 A The fifth floor.  
 25 Q It was the fifth floor the -- between

Page 21

1 2005 --  
 2 A Yes. The fifth floor of Riveredge 1500 and  
 3 1600 were joined.  
 4 Q Oh, okay.  
 5 A So different divisions. There's, you know,  
 6 one call center on this side, and there's a different  
 7 call center on the other side, but the buildings were  
 8 interconnected. From --  
 9 Q At the fifth floor?  
 10 A -- actually the fourth floor up to the  
 11 sixth floor, there was just a bridge that connected  
 12 the two buildings.  
 13 Q Oh, okay. Do you know what IBM business  
 14 unit you were in?  
 15 A I'm sorry?  
 16 Q Do you know what IBM business you were part  
 17 of?  
 18 A Global services. And that was recently  
 19 done. Within the last three -- three to four years of  
 20 me being there, they switched us over and put us under  
 21 the IBM global services umbrella.  
 22 Q What does global services do?  
 23 A That's a hard one to answer. Global  
 24 services is huge. It's worldwide, so you'd understand  
 25 if I couldn't give you details of that. Global



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1 services was just a big division, whether it be sales  
2 or technical support. It was just pretty much  
3 everything.

4 Q What other -- do you know what other call  
5 centers were in global services?

6 A No. IBM is too big for me to -- you know,  
7 to know all of them. I knew the ones that I only  
8 worked with, and the ones that I had in the past, but  
9 there were many, many others I did not know of or have  
10 to come in contact with.

11 Q Were you a -- let's just stick with that  
12 2005, the time you left the company. During that time  
13 frame were you a regular IBM employee or a sub --

14 A Yes. I was regular.

15 Q Now, we talked a little bit about what your  
16 duties were on entitlement. Did you handle e-mail  
17 inquiries as well as phones?

18 A Well, yes. That was all of it. There was  
19 a lot to do with -- with entitlement. It was not only  
20 just handling e-mail requests, phone requests. We had  
21 multiple tools that we had to use to do our research,  
22 which is a time-consuming process.

23 Q Well, how -- okay. So inquiries could come  
24 to you over the phone?

25 A If we have been dealing with a customer

Page 23

1 like the day before that, we would -- we were to  
2 provide them our direct line extension. We did have  
3 voice mail set up. Whether they e-mailed us, faxed  
4 us, or called us directly on the phone.

5 Q Well, I'm talking about how you would get  
6 customers. Some of them would be transferred to you  
7 from the front end?

8 A From the front end initially.

9 Q And would -- would you also get initial  
10 e-mail inquiries, or would it only be --

11 A Only if they were customers that we had  
12 worked with before and maybe they were calling back  
13 nine months later to see if their support contract --  
14 or e-mailed us to see if their support contract is  
15 about to lapse.

16 Q Do you have a sense on -- on where most of  
17 your customer contacts were coming from?

18 A The front end.

19 Q The front end? What percentage would come  
20 through e-mails?

21 A Maybe two to five percent.

22 Q So was it small?

23 A Very rare.

24 MR. ROSSMAN: Would you mark that for me,  
25 please.

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1 (Thereupon, marked for identification,  
2 Defendant's Exhibit D1.)

3 BY MR. ROSSMAN:

4 Q I'll just hand you a document that's been  
5 marked as Exhibit 1. It's a consent to join  
6 collective action. Is that your signature at the  
7 bottom of that document?

8 A Yes, it is.

9 Q And did you read and understand this  
10 document before you signed it?

11 A Yes, I did.

12 Q What's your understanding of the claims in  
13 this case?

14 A That there was overtimes that was due us  
15 setting up each day that we came in that was not  
16 documented by IBM or paid to us as a result of setting  
17 up our equipment before our shift starts.

18 MR. ROSSMAN: You can mark that one for me,  
19 please.

20 (Thereupon, marked for identification,  
21 Defendant's Exhibit D2.)

22 BY MR. ROSSMAN:

23 Q I'll just hand you a document that has been  
24 marked as Exhibit 2.

25 A Uh-huh.

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1 Q And what this is, is a printout of earnings  
2 that you received during 2005, 2006, and 2007. Do you  
3 recall receiving overtime payments in 2005?

4 A Only when authorized by the manager, and  
5 that was usually for an hour or two for just a couple  
6 of days to cover slack time for another call center.

7 Q So you did receive overtime in 2005?

8 A I received some. That was authorized, and  
9 that usually meant working later, not earlier.

10 Q So if you worked over your shift, you would  
11 get overtime?

12 A Right.

13 Q And did you ever work any time over your  
14 shift in 2005 and not receive full payment for it?

15 A Yes.

16 Q When was that?

17 A Well, the -- it's various times. Customers  
18 would call -- call in, say, close to my time of

19 departure and start just raising Cain, and at that  
20 particular time there was no manager, no senior, no  
21 second line on the floor that could assist this

22 customer, and that we had to do everything we could to  
23 scramble to find a manager, which could bring me  
24 anywhere from 15 to 40 minutes over my scheduled time.

25 Usually it was shorter than most, but if it was more



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1 than that time, I would try to document that.

2 Q You would try to document it if it was over  
3 what?

4 A Next day I would report an hour overtime.

5 Q When you reported work over, were you paid  
6 for it?

7 A Yes.

8 Q But there were some times where you worked  
9 over and didn't report it?

10 A If it was five minutes, ten minutes, you  
11 know, you leave. You got to get out. There's rush  
12 hour traffic, especially around here. You get home,  
13 go back to work, just forget about -- you just forgot  
14 all about the 15 minutes or so, and then at the end of  
15 the week you get so busy in that department, you just  
16 plumb forgot it.

17 Q So was there anyone who ever told you not  
18 to report time if you worked over?

19 A I was told by various managers, even from  
20 the first day that I started, that because of  
21 something called schedule adherence, we had to be on  
22 the phones at the time that we're supposed to be there  
23 and log in with the phones and log out with the  
24 phones. The setup time for that was not documented or  
25 recorded.

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1 Q But what I'm talking about is when you  
2 worked over.

3 A When I worked over?

4 Q When you worked over, you said you reported  
5 it when you remember, I think?

6 A When it was in excess of one hour. If it  
7 was ten or 15 minutes, chances are everybody forgot  
8 that. Nobody had a chance to report that, or they  
9 were just wanting to get out of the building.

10 Q Did you ever report time working over and  
11 not get paid for it?

12 A Uh-uh.

13 Q So every time that you reported one --

14 A Yes.

15 Q -- you would get --

16 A Now, to add to that, the times that I did  
17 report overtime that was not authorized, I did get  
18 chastised by the manager. Pulled into the office and  
19 said, why are you reporting an hour overtime? We're  
20 not authorized. So we got literally in trouble for  
21 reporting overtime. Got a verbal reprimand.

22 Q But you were paid for it?

23 A We were paid for it, but yeah, they said,  
24 you need quit doing overtime if it's not authorized,  
25 and this came from every manager I worked with.

1 Q And do you recall receiving overtime in  
2 2006?

3 A Yes.

4 Q And do you recall receiving overtime in  
5 2007?

6 A No. They didn't authorize any -- much --  
7 much overtime that time, and if they did, it was only  
8 an hour.

9 Q You don't recall receiving overtime  
10 payments in 2007?

11 A Like I stated, it was only, if it was, for  
12 just an hour, and usually they only picked a few  
13 people to get select for overtime. They didn't need  
14 everybody.

15 Q When you say the management chastised you  
16 for reporting working over, I mean, what did they tell  
17 you to do?

18 A Well, you want the -- the story line that I  
19 got? Was every time that I did report overtime, I did  
20 get paid for it. She did approve it, but she said,  
21 you know, we're not authorized to have overtime, and  
22 this is going to make me look bad, and you need to  
23 handle your customers a lot better. Can't handle a  
24 customer that's calling me up and cussing me out. No,  
25 you just got to take it. Got to take it -- take it.

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1 I can't hang up on them. Say, I'm sorry, I got to go;  
2 bye. Then I would be in trouble for customer abuse,  
3 and I would be in -- in the process of getting myself  
4 fired.

5 Q But she was telling you to handle your  
6 customers better?

7 A Well, she was saying, you need to handle  
8 your customers better. Well, you can't handle a  
9 customer that's cussing you out. You know, what are  
10 you going to do? Hang up on them? IBM doesn't -- IBM  
11 doesn't go for that.

12 Q She was telling you not to work it, though?

13 A No. She was telling me that I had to wrap  
14 my calls up faster with the customer, which, like I  
15 stated, if it was in that position, that's not an easy  
16 task, even for a manager.

17 Q She was instructing you, though -- whether  
18 you thought it was fair or not, she was instructing  
19 you to end your calls at your scheduled time?

20 A She was -- no. That's not exactly the way  
21 it was stated.

22 Q Well, I just want to make sure I  
23 understand. How was it stated?

24 A It was stated -- she was implying  
25 indirectly that I'm not handling my customers to get

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1 them off the time that I am supposed to be off the  
2 phones, and in some cases we tried to help each other  
3 by transferring them to another rep that is still on  
4 the -- that's still supposed to be there, but that  
5 never happens, or usually never happens. Maybe one  
6 will take it as a favor. The other one will say, I'm  
7 busy, and then we're still stuck with this customer.

8 Q Did -- was -- your operation in  
9 entitlement, was it a 24/7 operation?

10 A No. Call center ended at 7 p.m.

11 Q Seven p.m.?

12 A And that's just because we had to cover --  
13 cover time slots for people calling in for support in  
14 California, on the Pacific coast, so we had to be  
15 there and available as if it was 5 o'clock to them  
16 over there.

17 Q What was your -- at the end of your  
18 employment what was your schedule?

19 A Eight to five.

20 Q And had it been eight to five? From 2005  
21 forward had it always been eight to five?

22 A It was a flexible schedule. Sometimes it  
23 would be 11 to seven. It could be ten to six, but  
24 eight to five was considered privileged schedule.  
25 Most people wanted to have a morning schedule so that

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1 they could leave early in the afternoon to take care  
2 of business, personal business.

3 Q Was that the schedule you usually got?

4 A Not always.

5 Q How often would you work -- between 2005  
6 and --

7 A Oh.

8 Q -- 2007?

9 A Once I got the eight-to-five schedule, it  
10 was mine, it was locked in.

11 Q Okay.

12 A But you had to basically kind of earn your  
13 way up to it, you know. When a slot became open, you  
14 know, you could apply for that time slot, and the  
15 manager decided whether you got it or not. You just  
16 moved into it.

17 Q And when did you get the eight-to-five  
18 schedule, if you recall?

19 A It was eight to five.

20 Q Beginning when?

21 A I was -- I had started at 11 to seven when  
22 I first got into the front-line call center and then  
23 worked into the eight-to-five slot.

24 Q So would the entire time that you were in  
25 entitlement, were you eight to five?

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1 A Yes.

2 Q And the entire time you were in  
3 entitlement, did it -- did entitlement's hours end at  
4 7 o'clock?

5 A That -- technically, yes, but if you had a  
6 customer on the phone, same thing applied. You stayed  
7 with them until you -- until it's done or until the  
8 customer has agreed to hang up or agreed to get called  
9 back tomorrow. If they didn't agree to get called  
10 back tomorrow, you're stuck with them.

11 Q But in your case when you were in  
12 entitlement, though, I mean, you were -- your shift  
13 ended at five?

14 A My shift ended at five unless it was run  
15 over by an irate customer.

16 Q Well, your scheduled shift?

17 A Right. Right. My scheduled shift was  
18 eight to five.

19 Q Did Juanlyn Williams ever directly tell you  
20 not to report time that you worked over?

21 A Juanlyn Williams never directly said to not  
22 report overtime. That came from the first day that I  
23 started within IBM as a standing rule. You need to be  
24 here early. You need to -- to get your machine up and  
25 running. You need to have all your applications ready

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1 to go, and then when it's time for you to log in at  
2 8 o'clock or whatever your time is to start, that you  
3 are there ready to roll.

4 Q So -- but just sticking with the times that  
5 you worked over, did Juanlyn Williams ever tell you  
6 not to report the time that you worked over?

7 A No.

8 Q Did any manager ever tell you not to report  
9 the time that you worked over?

10 A No.

11 MR. ROSSMAN: Can we go off for just one  
12 second?

13 THE VIDEOGRAPHER: Off video.

14 (Thereupon, an off-the-record discussion was  
15 held.)

16 THE VIDEOGRAPHER: On video.

17 BY MR. ROSSMAN:

18 Q Were you salaried or hourly?

19 A Technically salary, but everything was  
20 recorded on an hourly basis.

21 Q What does that mean?

22 A It means that every hour that we worked was  
23 reported with a program called totals, which usually  
24 can be set in advance to have your employee time, but  
25 they called it salary. I don't know why. It's still

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1 hourly.  
 2 Q Did you ever receive less than your salary?  
 3 A Uh-uh.  
 4 Q So you always --  
 5 A Always -- always a 40-hour workweek.  
 6 Q And you always received your full salary  
 7 every week?  
 8 A Always 40 hours a week.  
 9 Q And you might receive more if you reported  
 10 overtime; correct?  
 11 A If overtime was offered, yes.  
 12 Q Were you ever late?  
 13 A IBM's definition of late is one minute.  
 14 Yes.  
 15 Q Were you ever more than one minute late?  
 16 A Yes. But anything more than one minute,  
 17 you had to call in, in advance to what they call the  
 18 ill sick line and then report that you are running  
 19 late, which then sent an e-mail to the manager stating  
 20 that you are coming in late, whether she was in the  
 21 office or not.  
 22 Q Were you sometimes ten or 15 minutes late?  
 23 A Uh-huh. Depending on traffic or accidents.  
 24 Q When you were late, be it one minute late  
 25 or ten or 15 minutes or even more late, did you ever

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1 report that into totals?  
 2 A No. Because in most cases I always stayed  
 3 ten or 15 minutes later to make the difference up.  
 4 Q Even it up in most cases?  
 5 A Yes.  
 6 Q Were there cases where you didn't even it  
 7 up?  
 8 A No.  
 9 Q How often were you late? Do you recall?  
 10 A Very infrequent. It -- it usually had to  
 11 do with the traffic. If I was late more than twice in  
 12 one week, I would start showing up an hour earlier or  
 13 try to leave the house an hour earlier to  
 14 circumnavigate any traffic issues.  
 15 Q So were there times where you were late  
 16 more than once in a week?  
 17 A Yes. There were a couple times. It's  
 18 usually anywhere from a minute or two logging into the  
 19 phone to five minutes.  
 20 Q Did you ever -- did you receive a lunch  
 21 break?  
 22 A Yes. One hour.  
 23 Q And was that a scheduled lunch break?  
 24 A Yes. Each -- each person had a different  
 25 lunch schedule. They could not let everybody go at

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1 the same time. There would be no coverage on the  
 2 phones. So some people would have their lunch about  
 3 10:30 in the morning, and then some would have them as  
 4 late as 2 o'clock in the afternoon.  
 5 Q Were there ever days where you did not get  
 6 a lunch?  
 7 A No. Lunches were mandatory if -- we had to  
 8 log the phones for lunches all the time.  
 9 Q Where did you take your lunch?  
 10 A Either right there in the break room if I  
 11 had lunch provided, brought it in, or the cafeteria,  
 12 which was downstairs on the first floor.  
 13 Q Were you allowed to take your lunch at your  
 14 desk?  
 15 A They frowned upon it, but they didn't  
 16 chastise you for it. In some cases people took their  
 17 lunches at their desk in means of handling personal  
 18 stuff: E-mails, checking their bank account, surfing  
 19 the Web. You know, that was their time, but they  
 20 would rather we not eat at our desk. They said it  
 21 attracted bugs.  
 22 Q Did you yourself ever eat at your desk?  
 23 Lunch, I mean?  
 24 A Yes. Maybe once or twice. Very rarely. I  
 25 went to the cafeteria in most cases.

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1 Q Did you ever take less than your full hour  
 2 for lunch?  
 3 A No.  
 4 Q Did you have a laptop or a desktop?  
 5 A Desktop.  
 6 Q The whole time you were employed?  
 7 A Yes.  
 8 Q You said at least from 2005 onward you were  
 9 on the fifth floor at Riveredge?  
 10 A Uh-huh.  
 11 Q Can you describe your work environment?  
 12 A There were mostly cubicles, and they were  
 13 divided out in sections like little groups, allowing a  
 14 walkway between them, between the different sections  
 15 of the cubicles.  
 16 Q Where did Juanlyn Williams sit?  
 17 A Usually right in the middle of that  
 18 section. It was kind of like an -- like a boxed-in  
 19 area section, and there was a little section, a large  
 20 cubicle section in the center of it. That's where she  
 21 sat. And each section had one of those sections where  
 22 supposedly a manager controlled that particular  
 23 section, but she controlled two divisions, so she just  
 24 had one.  
 25 Q How big was the area?

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1 A About three-fourths the size of this table  
2 for the managers' office or whatever, cubicle.

3 Q So Juanlyn Williams was -- that's her area  
4 that you were describing?

5 A Uh-huh.

6 Q And three-fourths the size of this table?  
7 I don't know -- this may be about, what? Seven,  
8 eight feet?

9 A Half the size of that table from here over,  
10 maybe a little bit smaller, but long -- lengthwise,  
11 yes, about the right size.

12 Q How big was the -- the total area you were  
13 in?

14 A It's huge. It's a huge building. I don't  
15 know the -- the footage, but there were, at least in  
16 my section, two -- four of those sections.

17 Q So it was a big, wide-open room --

18 A Yes.

19 Q -- if you will?

20 A The ceilings were kind of low. As a matter  
21 of fact, I could probably reach up and touch the  
22 ceiling, you know, but yeah. I mean, they were  
23 close-knit. I would say about four feet wide between  
24 them.

25 Q Between the section --

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1 A From each section, yeah, and the sections  
2 next to it, the same way, and around it was probably a  
3 little bit more space. Some less, just to fit -- to  
4 accommodate the cubicles.

5 Q How many people were in your section?

6 A That's a good question. I had two -- there  
7 were two sections that we had. Ours was kind of like  
8 a half section because they needed to put cubicles  
9 there, and then there was the big section itself where  
10 Juanlyn sat. About 15 to 20 in software entitlement.

11 Q And then the other section that Juanlyn  
12 had, what was that again?

13 A The front end. Called that receive call.  
14 I would say about 20 per section, maybe a little less.

15 Q Did she have more than one receive call  
16 section?

17 A Yeah. She had two that were receive call  
18 and one section that was called rational.

19 Q But they both did the same basic function?

20 A Sort of. They were front line. Rational  
21 was a different division or different product that  
22 still would send customers our way if they did not  
23 have a rational support contract.

24 Q Yeah. I asked a bad question. The front  
25 end and the rational, they were both --

1 A Pretty much the front end in general.

2 Q They were both front end, but one dealt  
3 with rational only?

4 A Right.

5 Q And what did the other front end? They  
6 were more generalists? They would deal with other  
7 types --

8 A The large -- the other systems, the other  
9 large systems. The AS/400s, the RISC 6000s, the  
10 System/390s, and the PC main servers that were not --  
11 were commercial versus -- versus regular desktops for  
12 personal issues.

13 Q And did Juanlyn sit in your section, or did  
14 she sit in one of the other sections?

15 A She sat in the main section. I sat in the  
16 half section.

17 Q Could you see her from your cubicle?

18 A If I stood up, I could probably -- yeah, I  
19 could see a part of her head, but the cubicles weren't  
20 -- weren't seven foot tall, you know. You can -- you  
21 can -- I can easily look over the cubicles and see  
22 other people.

23 Q If you stood up?

24 A Yes.

25 Q And was she -- was she elevated, or was she

1 down at the same level as everybody else?

2 A At the same level as everybody else.

3 Q And she was in a cube like everybody else?

4 A Yeah. Three-fourths of it was encompassed,  
5 and just a small section was open.

6 Q Do you know what hours she worked?

7 A They varied. Some days she'd come in, in  
8 the morning. Some days she would come in the  
9 afternoon and stay until the shift closes.

10 Q Now, your pay was never docked for being  
11 late; correct?

12 A No.

13 Q Did you receive breaks? Aside -- not your  
14 hour lunch, but shorter breaks?

15 A Breaks? Those breaks themselves could be  
16 taken away, depending on the business needs. Bathroom  
17 breaks, which we did have to log the phone. At that  
18 time those were called unscheduled breaks, where we  
19 had to run to the restroom, or if we had an emergency  
20 phone call that we had to address.

21 Q So did you receive scheduled breaks?

22 A Yes.

23 Q And did you receive two of those?

24 A Yes.

25 Q And they were 15 minutes or so?

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1 A That's correct.  
 2 Q And those were paid breaks?  
 3 A Yes.  
 4 Q And you also -- I mean, the unscheduled  
 5 breaks, you just had to take them?  
 6 A Yes. Nature call and emergencies, you just  
 7 had to do it, you know, but they did document those  
 8 and record those. If you took too many unscheduled  
 9 breaks within a day, then it's a no-no.  
 10 Q Did -- do you smoke?  
 11 A No.  
 12 Q Did other people on the team smoke that you  
 13 know of?  
 14 A Pretty much. Eighty percent of the call  
 15 center.  
 16 Q Would people take unscheduled breaks to go  
 17 smoke?  
 18 A No. Usually they took their breaks and  
 19 went downstairs in the open atrium was -- the only  
 20 place you were allowed to smoke was outside, and they  
 21 would either do it then or on their lunch or whenever  
 22 their break was available to them.  
 23 Q Did you have to badge in to Riveredge?  
 24 A Yes. That was the security issue. You had  
 25 to -- you had to badge in to get into the building.

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1 Q Let me ask you this. Where did you -- how  
 2 long did it take you to drive in to Riveredge?  
 3 A Drive in? Even though I live a short  
 4 distance from Riveredge, it took me 45 minutes --  
 5 Q And --  
 6 A -- because of traffic.  
 7 Q I'm sorry. I didn't mean to --  
 8 A Because --  
 9 Q -- speak over you.  
 10 A Because of traffic, 45 minutes is usually  
 11 about correct unless, you know, you got some guy out  
 12 there decide he was going to make a -- a fast right  
 13 turn, you know, and cause an accident, backs traffic  
 14 up.  
 15 Q Were you -- did you take the highway, or do  
 16 you take the service roads?  
 17 A Back roads.  
 18 MR. ROSSMAN: Why can't -- can we go off the  
 19 record for a second?  
 20 THE VIDEOGRAPHER: Off video.  
 21 (Thereupon, an off-the-record discussion was  
 22 held.)  
 23 THE VIDEOGRAPHER: On video.  
 24 BY MR. ROSSMAN:  
 25 Q So we were talking about driving in and

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1 talking about how that would vary, depending on  
 2 traffic, and then you get to the -- I imagine there's  
 3 a big parking lot at Riveredge?  
 4 A Yes. They had -- they had a -- an open  
 5 space on the ground, and they had a two-tier deck  
 6 further away. I usually tried to park as close as I  
 7 can, if I can, depending on what time I get there, to  
 8 get in the building. They had a rule that you cannot  
 9 cut through the cafeteria to get into the building.  
 10 You have to walk around the building, which takes  
 11 about five minutes. Depending on you getting parked,  
 12 like say if I pulled exactly in -- and I'm using this  
 13 as a hypothetical time -- at 8 o'clock, park my car,  
 14 by the time I got into the building, five minutes had  
 15 passed. And up to my floor, five minutes.  
 16 Q So where -- okay. So where would you have  
 17 to badge in when you were coming in?  
 18 A On the floor itself, at the door near the  
 19 elevators. That was the only way that you can get in.  
 20 Q So fifth floor, you're talking about?  
 21 A On the fifth floor.  
 22 Q Did you also have to badge in at the front  
 23 door? Front door to the building?  
 24 A Only after hours, meaning like if I showed  
 25 up there at 8 o'clock at night, the main doors -- you

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1 had to badge in to get them to open.  
 2 Q But if you were there -- so if you got  
 3 there during regular working hours?  
 4 A They were open, and then we would badge in  
 5 at the elevator on the floor itself.  
 6 Q During the day, then, I guess if you left  
 7 the floor, you'd have to badge in to get back out?  
 8 A No.  
 9 Q Okay. If you went down to the cafeteria to  
 10 eat when you came --  
 11 A And come back, yes. Yeah. You can't get  
 12 into the -- through the floor itself unless you badge  
 13 in, or if you are sneaky you tailgated somebody  
 14 getting into the door. In some cases somebody may  
 15 have gone down to the cafeteria without their badge  
 16 and is waiting for somebody they know to come along  
 17 and let them in.  
 18 Q Did you ever tailgate yourself?  
 19 A It happens.  
 20 Q Is that something that management  
 21 discouraged?  
 22 A Yes. They always discourage it, but  
 23 management does it too. You know, I have had a  
 24 manager call my phone extension, say, hey, can you let  
 25 me in?



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1 Q Most times, though, did you use your own  
2 badge to get in?  
3 A Yeah. If it -- if I was running late, I  
4 would try to get somebody to let me in, if I didn't  
5 have my badge or I lost it. But on the same note, we  
6 could also go down to security and request a temporary  
7 badge, and that's what was required: If we didn't  
8 have a badge, to go get one. So if we were running a  
9 tad late, we kind of snuck in and at lunchtime we went  
10 down and got a temp.  
11 Q Why would you not want to use your badge if  
12 you were late?  
13 A Left it at home, lost it.  
14 Q So if you just didn't have your badge?  
15 A Yes. So you can't -- you got to have a  
16 badge. It's a security issue. Whether it's  
17 temporary, it has to be on your collar at all times.  
18 Q So if you had your badge, which I -- was  
19 probably most times --  
20 A Uh-huh.  
21 Q -- you would use your own badge?  
22 A Right.  
23 Q Most of the time?  
24 A Every time I had it.  
25 Q So the only time that you didn't use your

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1 badge --  
2 A Was if I didn't have it.  
3 Q Now, when you would arrive at work, would  
4 you usually go straight to the floor?  
5 A Yes.  
6 Q And what would you do?  
7 A Well, first I'd get my keys out and unlock  
8 my desk. Pull out the materials that I need for what  
9 we call hard copy research. Turn my computer on, wait  
10 for it to boot up. Pull my headset out, plug it into  
11 the phone, wait until my computer completed booting  
12 up. Then start going through and loading up all the  
13 applications that were required and additional ones  
14 that were not required, which still pertained to the  
15 job itself.  
16 Q And then you log into the phones at some  
17 point?  
18 A When my time was -- when it was my time to  
19 log in, 8 o'clock, no minute less.  
20 Q Well, unless you were late; right?  
21 A Yes. Even if you were there and you log in  
22 one minute late or one minute after, you just forgot  
23 to do it, you were late.  
24 Q Why did you log into the applications  
25 before you logged into the phones?

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1 A That was required.  
2 Q Who required it?  
3 A IBM said we have to be there early and get  
4 our systems up and running before our shift.  
5 Q Who said it?  
6 A IBM.  
7 Q Who at IBM?  
8 A All of -- the management team.  
9 Q Which managers told you that?  
10 A Every one of them. I've got four, and  
11 you've got my work history. Every manager told me  
12 from the day I started, from Peter Zurita on up, said  
13 we had to be there early and get our systems logged  
14 on.  
15 Q Was there ever a time when Juanlyn Williams  
16 told you, you should log into the phones before  
17 logging into your systems?  
18 A No.  
19 Q No time in 2007 when she told you that?  
20 A No. It messed up what they called schedule  
21 adherence.  
22 Q What's schedule adherence?  
23 A Schedule adherence is the amount of work  
24 that you done the minute you log into your phones,  
25 which was at your set time. They tracked your breaks,

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1 they tracked your unscheduled breaks, your lunch, and  
2 when you left, and then they based your performance on  
3 that time slot.  
4 Q So did you receive reports showing schedule  
5 adherence?  
6 A We had access to it.  
7 Q What do you mean, you had access to it?  
8 A Our reports printed up the next day in a --  
9 bear with me just a second. In our Lotus Notes, an  
10 application that was applied to the Lotus Notes,  
11 allowed us to see if we were late, if we took our  
12 lunch, or if we went over our lunch. We were able to  
13 see that, and the report would be printed up or made  
14 available to the manager. Same application.  
15 Q Did you yourself check those reports?  
16 A Periodically.  
17 Q How often is periodically?  
18 A Periodically. It's --  
19 Q Once a quarter, or --  
20 A Once in a blue moon, you know. It was not  
21 something that was a big priority to go in and look at  
22 each time I come in to check the report of the  
23 previous day. If I logged in at 8 o'clock, why do I  
24 need to look at it again? I knew I was there at  
25 eight. That's all that really mattered is me logging



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1 in at 8 o'clock by the phones.

2 Q So when did -- did you ever see anything in  
3 writing saying you needed to be -- you needed to log  
4 into your systems before logging into the phone?

5 A Not -- not in written -- not -- nothing  
6 documented. Everything that was told to me, even from  
7 training class, was told, you need to be there early  
8 to get your systems up.

9 Q So you -- but you never saw it in writing,  
10 and you never saw any official policy telling you to  
11 log into your systems before logging into the phone?

12 A Never read any policies, and if they did --  
13 if they did have it, it was either buried in some kind  
14 of huge document that most people never read. They  
15 read through the first and the last part and then  
16 agreed to it and signed it and turned it in to the  
17 manager. Probably what we call our conduct  
18 guidelines.

19 Q But you yourself never saw anything telling  
20 you -- strike that. You yourself never saw anything  
21 in writing telling you to log into your systems before  
22 logging into the phones?

23 A I never saw anything that was documented,  
24 no.

25 Q Now, you said -- you mentioned training.

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1 What training are you talking about?

2 A For each -- for each division within IBM  
3 you would receive several weeks of training, whether  
4 it be seven to eight weeks, to prepare you for the  
5 task at hand, and each trainer, whether it's the same  
6 trainer you had before or somebody different,  
7 depending on the department, would provide that  
8 training to you.

9 Q So what department training did you  
10 receive? Entitlement?

11 A Well, that, yes. Sales order support  
12 training, which actually was side by side. It was a  
13 little different. IBM For You training, which was  
14 four -- ten to 14 weeks paid training.

15 Q Those were the three groups that you worked  
16 in?

17 A Well, there's also, I'm sorry, receive call  
18 training. Software entitlement. I'm sorry. Let me  
19 -- let me do them from the beginning to make it  
20 easier.

21 Q Yeah. Let's --

22 A For You was classroom training. Sales  
23 order support was the next group I went to, was side  
24 by side training. Software receive call was classroom  
25 training. Entitlement was classroom training and side

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1 by side.

2 Q What do you mean by side by side training?  
3 A Meaning we sat next to a rep who was  
4 already on the floor doing that specific job.

5 Q How -- so with the entitlement training how  
6 long was the classroom portion?

7 A It could be anywhere six to eight weeks,  
8 and we had to be there early so that we can get  
9 systems up and running. Same scenario: Have to be  
10 there early.

11 Q For the -- for the classroom portion?

12 A Yeah, because the classrooms were not --  
13 although they were not necessarily on the same  
14 floor -- classroom training could be on a different  
15 floor, but we were -- we were there. We had to be  
16 there early and had to get our systems up and running,  
17 get the tools and applications up and running, and  
18 then the teacher would start the class. We didn't  
19 have to log the phones because it was not necessary.  
20 We were not taking inbound calls at the time, until  
21 the last couple weeks.

22 Q How many hours were you working during the  
23 classroom portion of the entitlement training?

24 A Typical eight-hour day, the same as regular  
25 schedule.

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1 Q Who taught it?

2 A Various people.

3 Q By the side by side training, how long did  
4 that last? For entitlement?

5 A Not very long. They don't want you to  
6 interrupt the rep that's already on the phone, but  
7 they want you to hear what they're doing, how they're  
8 talking to the customer. We had headsets that plugged  
9 into the phone adjacent to theirs so that we could  
10 hear the customers, what -- the dialogue and how to  
11 handle a certain customer a certain way, et cetera, et  
12 cetera.

13 Q And do you recall who you worked with  
14 during the side by side portion --

15 A No.

16 Q -- of the entitlement training?

17 A No. That's like a needle in the haystack.  
18 People came and went.

19 Q Did you receive written materials during  
20 either the classroom or the side by side portion of  
21 the entitlement training?

22 A Yes.

23 Q During which portion?

24 A All of it.

25 Q Both?

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1 A (Witness nodded affirmatively)  
 2 Q And you were expected to review those  
 3 materials?  
 4 A Uh-huh. Some of the materials in training  
 5 class eventually became what we call our study guides  
 6 or cheat sheets to handling customers, which we deemed  
 7 those as hard copy research. Those were the ones that  
 8 I was telling you we would pull out, which came from  
 9 our training classes, to assist us with quick  
 10 solutions.  
 11 Q And you did in fact review the written  
 12 materials you received as part of the entitlement  
 13 training?  
 14 A Uh-huh, yes.  
 15 Q And you took this training, I take it, at  
 16 the start of your work in entitlement?  
 17 A Yes.  
 18 Q And during the entitlement training did  
 19 someone tell you, you needed to log into the systems  
 20 before you logged into the phone?  
 21 A Meaning logging into the computers before  
 22 we logged into the telephones? Yes. We had to turn  
 23 our PCs on when we got to our desks, boot up and get  
 24 ready to start business as usual. When everything was  
 25 up and running, we logged into the phones. Meaning

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1 that all applications were running that pertained to  
 2 the business at hand.  
 3 Q Who told you that?  
 4 A Trainers.  
 5 Q But you don't recall who the trainers were?  
 6 A No. They're -- they're different people.  
 7 Some people that did the training were actual reps  
 8 that were on the floor in that department that were  
 9 deemed to be a pretty good teacher or information  
 10 provider, and they were used to train classes.  
 11 Q So it might have been another rep who told  
 12 you to log into the computer before logging into the  
 13 phones?  
 14 A A rep or the trainer. She was deemed the  
 15 trainer. She was the trainer, or he was the trainer,  
 16 and that was the case in every one of my training  
 17 classes. We always had to be there early. Always had  
 18 to set up. Just can't come walking into the class and  
 19 sit down to nothing. Got to have everything up and  
 20 ready to go and start your class.  
 21 Q The class -- when did the class start?  
 22 What time?  
 23 A Depending on -- most of them were  
 24 eight-to-five classes. We always showed up early.  
 25 Teachers show up early. We would get in there and

1 start logging into the computers, depending on where  
 2 we were assigned. The room itself kind of looked like  
 3 this, with the terminals and small cubicles up against  
 4 the walls, with the center being open to small tables  
 5 so that we could pivot around and scoot up to the  
 6 table to listen to her talk on the -- him or her talk  
 7 on the -- in front of us or chalkboard.  
 8 Q Now, after your entitlement training did  
 9 any manager tell you, any entitlement manager tell you  
 10 to log into the phones prior to -- I'm sorry. Tell  
 11 you to log into the computer prior to logging into the  
 12 phones?  
 13 MR. WALTON: Objection; asked and answered.  
 14 You can still answer it.  
 15 THE WITNESS: We were not told to log in.  
 16 It was required. That was something that was  
 17 given to us from day one, the first day we  
 18 started at IBM. You always had to have our PCs  
 19 turned on, all the applications made available  
 20 before we logged into our scheduled time, even if  
 21 we were sitting there waiting until 8 o'clock.  
 22 We had to get everything ready. Eight o'clock  
 23 came around, bam. We were at our desk the whole  
 24 time.  
 25 BY MR. ROSSMAN:

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1 Q But what I'm asking you is very simple.  
 2 When you were in entitlement, during the time period  
 3 that you were in entitlement -- I'm not talking about  
 4 the training but when you were actually working in  
 5 entitlement -- did any manager tell you to log into  
 6 the systems before logging into the phone?  
 7 MR. WALTON: Objection; asked and answered.  
 8 He already testified that every manager has told  
 9 him to do that.  
 10 MR. ROSSMAN: Please don't testify for your  
 11 clients.  
 12 THE WITNESS: Yes.  
 13 BY MR. ROSSMAN:  
 14 Q Which ones?  
 15 A All of them. From the day I started until  
 16 the most recent, that was a recommend -- a  
 17 requirement.  
 18 Q So Juanlyn Williams told you that?  
 19 A Juanlyn Williams, Samantha Stewart, Dana  
 20 Trahan, Peter Zurita, and all the other managers I  
 21 worked for.  
 22 Q Okay. I'm talking about the time you were  
 23 in entitlement.  
 24 A Yes.  
 25 Q Who were your managers in entitlement?